



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

October 1, 2014

Chad Hayes
57 Ballpark Drive
Portland, ME 04103

RE: 78 East Kidder Street – 163A-F-009 & 018 – R-5 Zone

Dear Mr. Hayes,

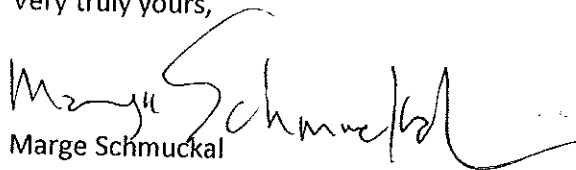
I am in receipt of your request concerning the split of the property you own at 78 East Kidder Street. The entire property is located within the R-5 Zone. My determination is based upon a signed, stamped survey by Robert C. Libby, Jr. dated March 2014 and revised on 8/26/14.

I have determined that Parcel 1 with the existing house meets all the regular R-5 zone requirements, such as, but not including, minimum street frontage, minimum rear setback and parking requirements.

I have also reviewed Parcel 2, the newly created lot. That proposed lot is meeting, or can meet the minimum R-5 zone requirements. It is also noted that Parcel 2 may be developed for a single family dwelling under the Small residential lot development, section 14-120(b) of the Land Use Ordinance. I have determined that the original 2nd lot that you owned was 4,617 square feet in size before any division. And with your "half" of the vacated street, the total of the rear lot (163A-F-009) totaled 5,943 s.f. which is under the maximum requirement of 1-120(b) 2(a). The total "original" lot, including the half of a vacated street is a total of 12,743 s.f. which is under the maximum required by section 14-120(b)2b. Therefore, I have determined that the new lot can be developed under the allowances for a new single family as outlined in 14-120(b), Small residential lot development. It is noted that you have also purchased 957 s.f. from an abutter. I determined that this purchase of land after your original property was developed does not invalidate the use of 14-120(b) for development. This single division of land is not required to be reviewed under State Law as a "Subdivision".

This determination does not substitute for the necessity of a building permit for a new single family dwelling. You have the right to appeal my decision within 30 days of the date of this letter. If you fail to exercise your rights to appeal, my decision is final. If you wish to appeal, please contact this office for the required paperwork to appeal.

Very truly yours,


Marge Schmuckal
Zoning Administrator

September 10, 2014

Request for Determination Letter by the City of Portland, ME

We are request a determination letter from the City of Portland, ME stating that Parcel 2 at 78 East Kidder Street, Portland ME 04103 on the survey provided is in fact a conforming buildable lot.

This letter is our official request for determination of a buildable residential lot being Parcel 2 splitting from Parcel 1 at 78 East Kidder Street, Portland ME 04103. Researching zoning codes for R5 in Portland we have found that it is required to keep a minimum of 6,000 sqft for the current house lot (Parcel 1) to remain conforming and the new lot (Parcel 2) needs to be at least 5,000 spft to be considered buildable. In the survey provided the new proposed lots will be 6,080 spft for Parcel 1 and 5,673 for Parcel 2. Also, Parcel 2 will have 106.48 feet of road frontage on Berkshire Road.

Please note, the "existing stockade fence" that is shown on the survey as over the property line has been removed.

If any further information is needed please contact Chad Hayes at 207-266-6340. Also, Bob Libby at BH2M Surveyors can be reached at 207-839-2771.

Thank you,

Chad & Gina Hayes
57 Ballpark Drive
Portland, ME 04103
207-266-6340

RECEIVED

SEP 10 2014

Dept. of Building Inspections
City of Portland Maine

PURCHASE AND SALE AGREEMENT

This document signed by Chad & Gina Hayes (hereinafter buyers) and Gateway Court Condominium, Craig Cooper & Richard Berman, (hereinafter seller) effective on September 10, 2014 represents the contract between the two mentioned parties to transfer the parcel of land described in the attached document, "Suggested Deed Description Gateway Court Condominium to Gina and Chad Hayes, Berkshire Road Portland, Maine" from the sellers to the buyers for the total of \$10,000. Said transaction will be executed on or before September 30, 2014.

Chad Hayes (Buyer) Date

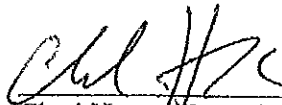
Gina Hayes (Buyer) Date

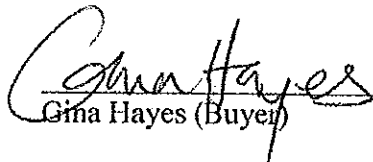
Craig Cooper (Seller) Date

Richard Berman (Seller) Date

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 9/10/14
Chad Hayes (Buyer) Date

 9/15/14
Gina Hayes (Buyer) Date

Craig Cooper (Seller) Date

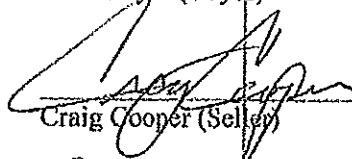
Richard Berman (Seller) Date

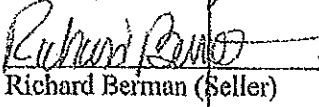
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Chad Hayes (Buyer) Date

Gina Hayes (Buyer) Date

 _____
Craig Cooper (Seller) Date 9/10/14

 _____
Richard Berman (Seller) Date 9/10/14

**SUGGESTED DEED DESCRIPTION
GATEWAY COURT CONDOMINIUM
TO
GINA & CHAD HAYES
BERKSHIRE ROAD
PORTLAND, MAINE**

August 28, 2014

A certain lot or parcel of land located on the southwesterly sideline of Berkshire Road, so-called, in the City of Portland, County of Cumberland and State of Maine and shown on the plan titled "Standard Boundary Survey Plan, Land of Gina & Chad Hayes, 78 East Kidder Street, Portland, Maine", dated March 2014 as revised through 8/26/14, by Berry Huff McDonald Milligan, Inc.; said parcel being more particularly described as follows:

Beginning at a capped iron rod to be set (PLS #2190) on the southwesterly sideline of said Berkshire Road at the southeasterly corner of land now or formerly of Gateway Court Condominium as shown on aforesaid plan;

thence S 39°-55'-04" E along the southwesterly sideline of said Berkshire Road a distance of 29.03 feet to a point and the vacated portion of an unnamed street owned by Gina & Chad Hayes;

thence S 80°-38'-19" W along the land owned by Gina & Chad Hayes (vacated parcel) a distance of 45.68 feet to a point;

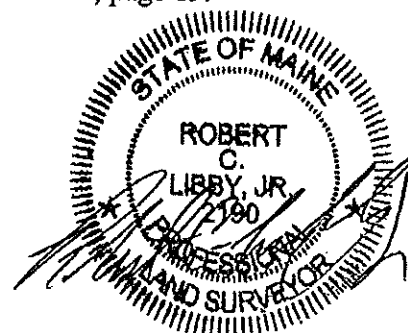
thence N 09°-21'-41" W across the vacated portion of the unnamed street owned by Gateway Court Condominium a distance of 25.00 feet to a capped iron rod to be set (PLS #2190) and remaining land of Gateway Court Condominium;

thence N 80°-38'-19" E along the remaining land of Gateway Court Condominium a distance of 30.92 feet to the point of beginning.

The above described parcel contains 957 s.f.. All bearings refer to magnetic north as observed in 2014.

The above described parcel is a portion of an unnamed street vacated by Portland City Council Order #84, Reverting Ownership to Abutting Landowners, dated September 16, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13326, page 19.

ddGatewayToHayes



Marge Schmuckal - RE: 78 East Kidder Lot

From: Chad Hayes <Chad.Hayes@rmsmortgage.com>
To: 'Marge Schmuckal' <MES@portlandmaine.gov>
Date: 9/19/2014 1:46 PM
Subject: RE: 78 East Kidder Lot
Attachments: RMS10793020140916103518.pdf; RMS10846420140919135254.pdf; img-902092033-0001.pdf

Hi Marge,

Sorry for the delay on this. Attached you will find a signed copy of the contract between us and the sellers of that small portion of land that we are obtaining from our neighbors. There are 2 copies attached. One signed by us and one signed by the sellers. If you need anything else for the determination letter please let me know.

Thanks;

Chad



We'll Guide You Home

Equal Housing Opportunity

Chad Hayes
Mortgage Banker -- NMLS# 238425
Residential Mortgage Services, Inc. -- NMLS# 1760
24 Christopher Toppi Drive | South Portland, ME 04106
P 207-775-6105 | C 207-266-6340 | F 207-358-2637
Chad.Hayes@rmsmortgage.com | www.rmsmortgage.com/ChadHayes

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Wednesday, September 10, 2014 4:50 PM
To: Chad Hayes
Subject: Re: 78 East Kidder Lot

Thank you Chad

>>> Chad Hayes <Chad.Hayes@rmsmortgage.com> 9/10/2014 3:55 PM >>>
Hi Marge,

Thank you again for your time today. Attached you will find the deed description for the parcel of land that will be sold to us from Craig Cooper and Richard Berman of Gateway Court Condominium. I will send you the contract between us on the sale of this parcel as soon as I can.

Thank you,

Chad

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From: Chad Hayes <Chad.Hayes@rmsmortgage.com>
To: 'Marge Schmuckal' <MES@portlandmaine.gov>
Date: 9/10/2014 5:31 PM
Subject: RE: 78 East Kidder Lot
Attachments: Berkshire Lot P&S.pdf

Hi Marge,

Attached you will find the contract between the seller and my wife and for the parcel that they are selling to us. I'll send you a signed copy ASAP.

Thanks,

Chad



Equal Housing Opportunity

Chad Hayes
Mortgage Banker -- NMLS# 238425
Residential Mortgage Services, Inc. -- NMLS# 1760
24 Christopher Toppi Drive | South Portland, ME 04106
P 207-775-6105 | C 207-266-6340 | F 207-358-2637
Chad.Hayes@rmsmortgage.com | www.rmsmortgage.com/ChadHayes

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Wednesday, September 10, 2014 4:50 PM
To: Chad Hayes
Subject: Re: 78 East Kidder Lot

Thank you Chad

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9/10/14

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GATEWAY COURT CONDOMINIUM
TO
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BERKSHIRE ROAD
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August 28, 2014

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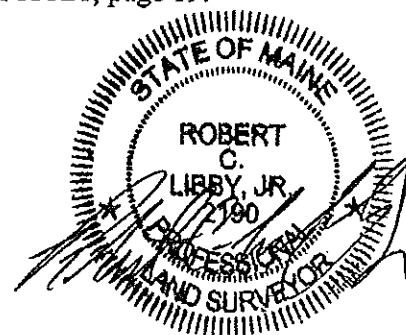
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ddGatewayToHayes



TRANSACTION SUMMARY

TRANSACTION TYPE: SALE

PAYMENT ITEM	REFERENCE NUMBER	AMOUNT
NPS Convenience Fee		\$3.68
Zoning Determinations	02034 Determination Ltr	\$150.00
TOTAL:		\$153.68

CITY OF PORTLAND TREASURY

389 Congress Street
Portland,ME 04101
207-874-8853

CHAD W HAYES

Transaction Number: 923143
Date Processed: 09/10/2014 15:17:04 EDT
Transaction Type: Credit Card
VISA - Swiped CardNumber: *****1338
Authorization: 181877
Reference Number: 00928499
Zoning Determinations \$150.00
Total: \$150.00

I agree to pay above total amount according to the card issuer agreement.

Signature: _____

Thank You

MUNICIPAL SERVICE FEE CITY OF PORTLAND
400 Technology Way
Scarborough,ME 04074
877-290-1975

CHAD W HAYES

Transaction Number: 923143
Date Processed: 09/10/2014 15:17:04 EDT
Transaction Type: Credit Card
VISA - Swiped CardNumber: *****1338
Authorization: 121673
Reference Number: 00928500
Convenience Fee \$3.68
Total: \$3.68

I agree to pay above total amount according to the card issuer agreement & understand this non-refundable convenience fee will be charged to allow my payment via credit card.

Signature: _____

Thank You

Printed: 09/10/2014 15:17:09

Marge Schmuckal - RE: 78 East Kidder Lot

From: Chad Hayes <Chad.Hayes@rmsmortgage.com>
To: 'Marge Schmuckal' <MES@portlandmaine.gov>
Date: 9/30/2014 2:57 PM
Subject: RE: 78 East Kidder Lot

Hi,

If you can email it over to me that would be great. I wasn't sure if it was an official document that I need the original of.

Thank you,

Chad



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Chad Hayes
Mortgage Banker -- NMLS# 238425
Residential Mortgage Services, Inc. -- NMLS# 1760
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P 207-775-6105 | C 207-266-6340 | F 207-358-2637
Chad.Hayes@rmsmortgage.com | www.rmsmortgage.com/ChadHayes

From: Marge Schmuckal [mailto:MES@portlandmaine.gov]
Sent: Tuesday, September 30, 2014 2:56 PM
To: Chad Hayes
Subject: RE: 78 East Kidder Lot

Tell me how you want to get it.
Marge

>>> Chad Hayes <Chad.Hayes@rmsmortgage.com> 9/30/2014 2:47 PM >>>

Thank you Marge! Will you be mailing that letter or emailing? I'm not sure if you have any current address but it is listed below.

Chad Hayes
57 Ballpark Drive
Portland, ME 04103

Thanks again,

Chad



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Chad.Hayes@rmsmortgage.com | www.rmsmortgage.com/ChadHayes

From: Marge Schmuckal [<mailto:MES@portlandmaine.gov>]
Sent: Tuesday, September 30, 2014 2:20 PM
To: Chad Hayes
Subject: RE: 78 East Kidder Lot

Hi Chad,
I did get you phone message also. I am going to start it soon. I was hoping today, but maybe tomorrow. I will make a point of at least finishing it before Friday.
Marge

>>> Chad Hayes <Chad.Hayes@rmsmortgage.com> 9/30/2014 1:45 PM >>>
Hi Marge,

I wanted to check in to see how things are going with the determination letter on my buildable lot at 78 East Kidder Street. Do you know when that might be completed?

Thanks,

Chad



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Chad Hayes
Mortgage Banker -- NMLS# 238425
Residential Mortgage Services, Inc. -- NMLS# 1760
24 Christopher Toppi Drive | South Portland, ME 04106
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Chad.Hayes@rmsmortgage.com | www.rmsmortgage.com/ChadHayes

From: Marge Schmuckal [<mailto:MES@portlandmaine.gov>]
Sent: Friday, September 19, 2014 2:59 PM
To: Chad Hayes
Subject: RE: 78 East Kidder Lot

thank you

>>> Chad Hayes <Chad.Hayes@rmsmortgage.com> 9/19/2014 1:45 PM >>>
Hi Marge,

Sorry for the delay on this. Attached you will find a signed copy of the contract between us and the sellers of that small portion of land that we are obtaining from our neighbors. There are 2 copies attached. One signed by us and one signed by the sellers. If you need anything else for the determination letter please let me know.

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Subject: Re: 78 East Kidder Lot

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

<p>Services</p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q & A</p> <hr/> <p>browse city services a-z</p> <hr/> <p>browse facts and links a-z</p> <hr/> 	<p>CBL 163A F018001</p> <p>Land Use Type SINGLE FAMILY</p> <p>Verify legal use with Inspections Division</p> <p>Property Location 78 E KIDDER ST</p> <p>Owner Information HAYES GINA & CHAD HAYES JTS 78 E KIDDER ST PORTLAND ME 04103</p> <p>Book and Page 27629/191</p> <p>Legal Description 163A-F-18 E KIDDER ST 78-82 BERKSHIRE ST 6800 SF</p> <p>Acres 0.1561</p>
--	--

6800

4617

11,417.00

1,326.00

12,743.00

- Their portion of vacated lot still less than 13,000

Current Assessed Valuation:

TAX ACCT NO.	23114	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$65,900.00	HAYES GINA & CHAD HAYES JTS
BUILDING VALUE	\$119,200.00	78 E KIDDER ST
HOMESTEAD EXEMPTION	(\$10,000.00)	PORTLAND ME 04103
NET TAXABLE - REAL ESTATE	\$175,100.00	
TAX AMOUNT	\$3,502.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1	
Year Built	1942
Style/Structure Type	CAPE
# Stories	1
# Units	1
Bedrooms	3
Full Baths	1
Half Baths	1
Total Rooms	6
Attic	FULL FINSH
Basement	FULL
Square Feet	1622

[View Sketch](#)
[View Map](#)
[View Picture](#)

Outbuildings/Yard Improvements:

Building 1	
Year Built	1942
Structure	SHED-FRAME
Size	8X10
Units	1
Grade	D
Condition	A

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

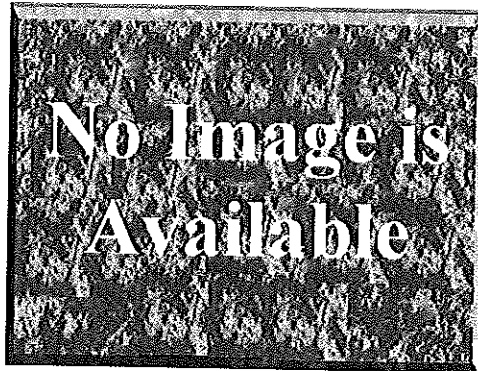
CBL 163A F009001
Land Use Type VACANT LAND
 Verify legal use with Inspections Division
Property Location 0 BERKSHIRE RD
Owner Information HAYES GINA & CHAD HAYES JTS
 78 E KIDDER ST
 PORTLAND ME 04103
Book and Page 27629/191
Legal Description 163A-F-9
 BERKSHIRE RD
 4617 SF
 0.106

Handwritten notes:
~~of the vacant~~
 S

Current Assessed Valuation:

TAX ACCT NO.	23100	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$2,000.00	HAYES GINA &
BUILDING VALUE	\$0.00	CHAD HAYES JTS
NET TAXABLE - REAL ESTATE	\$2,000.00	78 E KIDDER ST
TAX AMOUNT	\$40.00	PORTLAND ME 04103

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



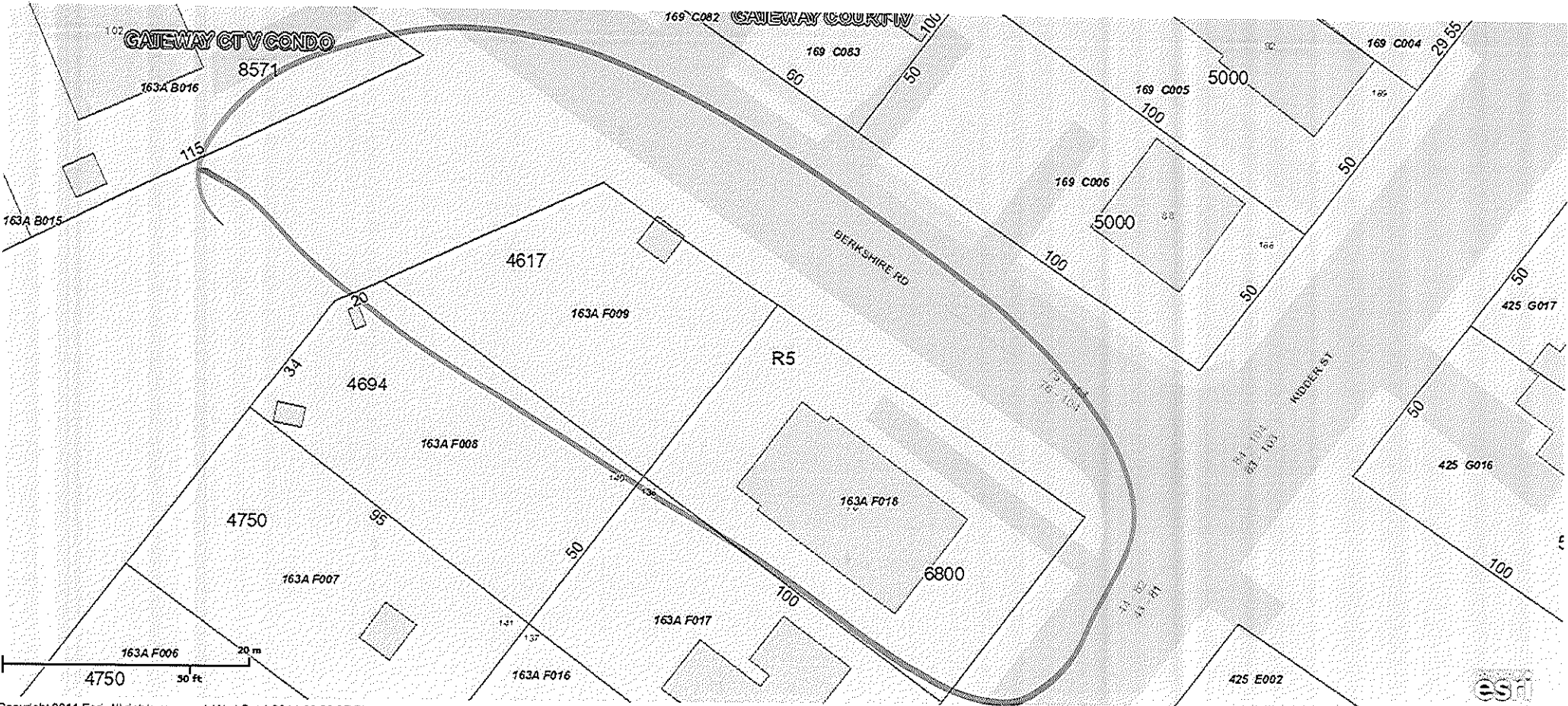
[View Map](#)

Sales Information:

Sale Date	Type	Price	Book/Page
3/5/2010	LAND	\$223,000.00	27629/191
7/1/2002	LAND	\$169,900.00	17793/117
9/14/1995	LAND + BUILDING	\$0.00	12114/183

[New Search!](#)

78 E. Kidder St



Copyright 2011 Esri. All rights reserved. Wed Oct 1 2014 03:23:27 PM.

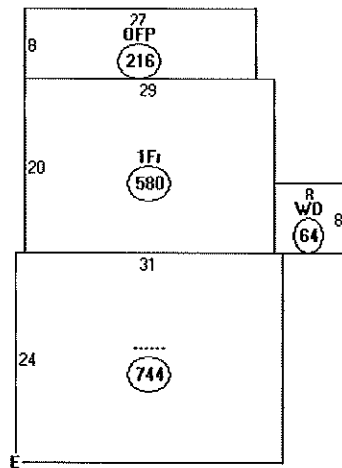
Applicant: CHAD HAYES
 Address: 78 E. Kiddan

Date: 10/1/12
 C-B-L: 163A-F-9 & 18

CHECK-LIST AGAINST ZONING ORDINANCE

	78 E Kiddan ^{single lot} with Existing Bldg	New vacant lot
Date -	Parcel 1	Parcel 2
Zone Location -	R-5	
Interior or <u>corner lot</u> -		
Proposed Use/Work -	split lot into 2 lots	
Sewage Disposal -	City	will be City
Lot Street Frontage -	50' min	108.48' on Berkshire
Front Yard -	min 20' or Average	21' to closest
Rear Yard -	20' min	27' setback
Side Yard -	8' for 1 story 12' for 2 stories	Can be met
Projections -		
Width of Lot -	min 60'	
Height -	35' max	
Lot Area -	6,000 ^{sq} min	6,080 ^{sq} 5673 9572 } 7954 1326
<u>Lot Coverage</u> /Impervious Surface -	40% min	Actually 27.7%
Area per Family -	3,000 ^{sq}	is a single fam existing
Off-street Parking -		can meet
Loading Bays -		
Site Plan -		
Shoreland Zoning/ Stream Protection -	N/A	
Flood Plains -		

Not considered a Subdivision



Descriptor/Area	sqft
A:	744
B: 1Fr	580
C: OFF	216
D: WD	64
E: RS1	80
<hr/>	
	1684

$6080 \times 40\% = 2432$ max lot cov.

$1684 \div 6080 = 27.7\%$ existing lot cov. with new lot

14. a. *Minimum rooming unit area for lodging houses:* Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
- b. *Minimum land area per lodging house rooming unit:* One thousand (1,000) square feet.
15. *Maximum floor area for places of assembly on a collector or arterial road:*

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

16. *Maximum floor area for places of assembly not on a collector or arterial road:*

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

14-120(5)

(b) Small residential lot development: Single family homes may be built on small lots located in the R-5 and may use the dimensional requirements below if one of the following conditions is met:

The lot is:

Vacant as of (date of enactment); or used exclusively for parking; or contains structure(s) not used for residential purposes; or created from a single lot division of a developed lot and results in a lot meeting the dimensional requirements of § 14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14) except as expressly provided in Section 14-120(b).

1. Minimum lot size: Five thousand (5,000) square feet.
2. Maximum lot size:
 - a. Lots that are vacant as of September 3, 2008, used

MAN

lot size

exclusively for parking, or contain structure(s) not used for residential purposes: Six thousand (6,000) square feet. - originally 4,617^{sq} described

b. Original developed lot prior to the single lot division that results in a lot meeting the dimensional requirements of §14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14): Thirteen thousand (13,000) square feet.

MAX?

6800 } original
4617 } lots

1141 7th
1326th
12743rd

3. Yard dimensions:
a. Side yard: portion of 1/2 of vacated St

i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.

ii. Side yard on side street: Ten (10) feet.

- 4. Minimum lot width: Forty (40).
- 5. Minimum street frontage: Forty (40).
- 6. Maximum lot coverage: Fifty (50) percent.

(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 275-10/11, 10-18-10)

*Editor's note--Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-121. Other requirements.

an of Land on East Kidder Street, Portland, Maine for Patricia Leet, Dated 5/12/2000, by Owen Haskell Inc. and Recorded the Cumberland County Registry of Deeds in Plan Book 202, page 155.

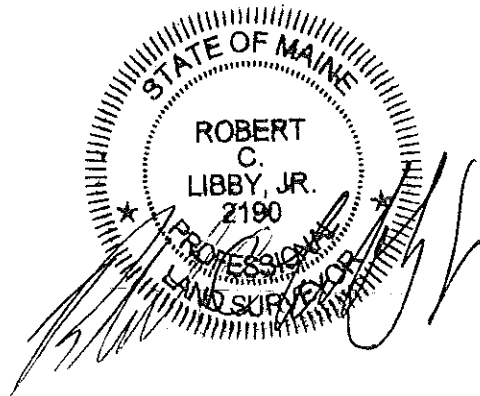
For:
Gina & Chad Hayes
78 East Kidder Street
Portland, Maine 04103

STANDARD BOUNDARY
SURVEY PLAN

LAND OF
GINA & CHAD HAYES
78 EAST KIDDER STREET
PORTLAND, MAINE

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

- 1. NO SURVEYORS REPORT



ROBERT C. LIBBY JR.

PLS #2190

DESIGNED R. Libby, Jr.	DATE March 2014
DRAWN R. Libby, Jr.	SCALE 1' = 20'
CHECKED W. Thompson	JOB. NO. 14019

SHEET
1

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